

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

11 RANDY R. GILES, No. 3:12-cv-01525-HU
12 Plaintiff, **OPINION AND ORDER**
13 v.
14 HOSPITAL LLOYD CENTER et al.,
15 Defendants.

OPINION AND ORDER

17 HUBEL, Magistrate Judge:

Pursuant to 28 U.S.C. § 1914, a party seeking to institute a civil action shall pay a filing fee of \$350.00. An action may proceed without the prepayment of a filing fee only upon a proper application to proceed *in forma pauperis*. 28 U.S.C. § 1915(a). A prisoner granted leave to proceed *in forma pauperis* may be required to pay an initial partial filing fee and will be required to make monthly payments toward satisfaction of the filing fee when sufficient funds are credited to his trust account. 28 U.S.C. § 1915(b).

27 Plaintiff Randy Giles ("Plaintiff") has neither submitted the
28 filing fee nor moved to proceed *in forma pauperis*. Accordingly, IT

1 IS ORDERED that Plaintiff must submit the requisite filing fee or
2 an application to proceed *in forma pauperis* within 30 days of the
3 date of this order, along with an amended complaint that Plaintiff
4 has signed. Plaintiff's failure to do so will result in dismissal
5 of this proceeding.

6 The court also reminds Plaintiff that (1) every pleading,
7 motion and other paper submitted by an individual proceeding *pro se*
8 must be signed by the plaintiff under Federal Rules of Civil
9 Procedure ("Rule") 11(a); (2) the amended complaint should contain
10 a short and plain statement of the claim showing that the pleader
11 is entitled to relief pursuant to Rule 8(a); and (3) in order to
12 state a claim under 42 U.S.C. § 1983, a plaintiff must plead that
13 the defendants, acting under the color of state law, deprived the
14 plaintiff of a right secured by the Constitution or federal law.
15 *American Mfr. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 49-50 (1999);
16 *Johnson v. Knowles*, 113 F.3d 1114, 1117 (9th Cir. 1997).

17 IT IS SO ORDERED.

18 Dated this 30th day of January, 2013.

19 /s/ Dennis J. Hubel

20 _____ DENNIS J. HUBEL
21 United States Magistrate Judge

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